



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Diane Thibeault *et al.*

Serial No.: 10/650,585

Filed: August 28, 2003

Docket: 13/082-1-D1

For: Purified Active HCV NS2/3 Protease

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION TO MAKE SPECIAL UNDER 37 C.F.R. § 1.102**

Sir:

This Petition to Make Special under 37 C.F.R. § 1.102 ("the Petition") is submitted in compliance with the requirements set forth in M.P.E.P. § 708.02.VIII. Applicants note that the instant application is a new application that has not received any examination and is therefore eligible for accelerated examination under this provision.

In accordance with 37 C.F.R. § 1.102 and M.P.E.P. § 708.02.VIII, for the Petition to be granted, applicants must:

- (a) submit the Petition to Make Special accompanied by the fee set forth in 37 C.F.R. § 1.17(h);
- (b) present all claims directed to a single invention or, if the Office determines that all the claims are not obviously directed to a single invention, will make an election without traverse as a prerequisite to the grant of special status;
- (c) submits a statement that a pre-examination search was made (a search made by a foreign patent office satisfied this requirement);
- (d) submits one copy of the each of the references, if the references are not already of record; and
- (e) submits a detailed discussion of the cited references, which discussion points out, with the particularity required by 37 C.F.R. § 1.111(b) and (c), how the claimed subject matter is patentable over the references.

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Applicants have complied with each and every one of these requirements, as set forth below.

*(a) Applicants have submitted the Petition accompanied by the fee set forth in 37 C.F.R. § 1.17(h)*

Applicants hereby authorize that the fee due under 37 C.F.R. § 1.17(h) in connection with this Petition be charged to Deposit Account No. 02-2955. This petition fee is paid by the enclosed Fee Transmittal Form (Form PTO/SB/17). Furthermore, if it is determined that any additional fees under 37 C.F.R. §§ 1.16 or 1.17 are due in connection with this Petition, authorization is hereby given to charge such fees to Deposit Account No. 02-2955.

*(b) Applicants have presented all claims directed to a single invention and have made a provisional election without traverse should the Office determine that all the claims are not obviously directed to a single invention*

Applicants believe that all the claims presented are directed to a single invention. Should the Office determine that all the claims are not obviously directed to a single invention, however, applicants have made a provisional election without traverse of the subject matter of claim 1 and any subject matter that the Office intend to group with claim 1.

*(c) Applicants have submitted a statement that a pre-examination search was made*

Applicants advise the Office that a pre-examination search was made in the form of an International Search Report (hereinafter “the ISR”; enclosed herewith) issued for the related copending PCT application.

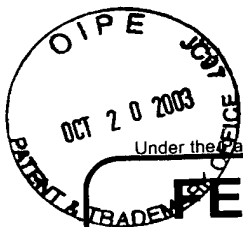
*(d) Applicants have submitted one copy of the each of the references*

Applicants have submitted one copy of each of the references cited in the ISR.

*(e) Applicants have submitted a detailed discussion of the cited references, which discussion points out, with the particularity required by 37 C.F.R. § 1.111(b) and (c), how the claimed subject matter is patentable over the references*

The following is the detailed discussion pointing out, with the particularity required by 37 C.F.R. § 1.111(b) and (c), how the claimed subject matter is patentable over the references.

Each of the references cited in the ISR (hereinafter “the ISR cited references”) is discussed in

**FEE TRANSMITTAL**  
**for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$)**130.00****Complete if Known**

Application Number	10/650,585
Filing Date	August 28, 2003
First Named Inventor	Thibeault, D. et al
Examiner Name	To be assigned
Art Unit	To be assigned
Attorney Docket No.	13/082-1-D1

**METHOD OF PAYMENT** (check all that apply)☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit Account Number **02-2955**Deposit Account Name **02-2955**

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, **except for the filing fee** to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code (\$)	Fee (\$)	Fee Code (\$)	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

**SUBTOTAL (1)** (\$)**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

	Extra Claims	Fee from below	Fee Paid
Total Claims	-20** =	18.00	
Independent Claims	-3** =	86.00	
Multiple Dependent		290.00	

Large Entity		Small Entity		Fee Description
Fee Code (\$)	Fee (\$)	Fee Code (\$)	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2)** (\$)

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION** (continued)**3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code (\$)	Fee (\$)	Fee Code (\$)	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify) Petition to make special under 37 C.F.R 1.102					130.00
*Reduced by Basic Filing Fee Paid					
<b>SUBTOTAL (3)</b> (\$)					130.00

(Complete (if applicable))

**SUBMITTED BY**

Name (Print/Type)	Susan K. Pocchiari	Registration No. (Attorney/Agent)	45,016	Telephone	203-798-5648
Signature	<i>Susan K. Pocchiari</i>	Date	October 17, 2003		

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

**SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.